

ORIGINAL FILED

JUL 31 2001

LARRY W. PROPPS, CLERK
COLUMBIA, S.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION
CIVIL ACTION FILE NUMBER: 1:01-2571-22

A. JUNE MITCHELL, WILLIAM MITCHELL,
MARGARET BAKER, and THE ESTATE OF WAYNE
BAKER, MARGARET BAKER, as PERSONAL
REPRESENTATIVE, Individually, and for all other
persons and entities similarly situated, J& S HUDSON
CONSTRUCTION, INC., formerly, HUDSON
CONSTRUCTION, INC. and JEFF HUDSON,

Plaintiffs,

v

CEDAR CREEK PROPERTIES, INC., CEDAR
CREEK REALTY, INC., HOWARD HEBERT,
ANGELA HEBERT, WILLIAM KOLAREK, JR.,
MARY KOLAREK, DAVID ABNEY, MIKE
CALDWELL, ABNEY CALDWELL BUILDERS,
INC., CALVIN RICHARDSON, RICHARDSON
CONSTRUCTION, INC., KIMBERLY C. WATERS,
AIKEN CLASSIC DESIGN, L.L.C., DONALD E.
SHAFFER, JR., DONNIE SHAFFER HOMES, INC.,
JOEL D. BAUGHMAN, BAUGHMAN BUILDERS,
INC., W.G. (BILL) SMITH, W.G. SMITH
CONSTRUCTION CO., INC., H. MICHAEL
BRAZEAL, BRAZEAL CONSTRUCTION AND
REALTY, INC., HERBERT P. WITTER, JR.,
WITTER CONSTRUCTION CO., INC., TODD W.
GAUL, DESIGNER BUILDERS, INC.,

Defendants.

FILED

AUG 28 2001

LARRY W. PROPPS, CLERK
COLUMBIA, S.C.

Entered: 8-28-01

MOTION WITHDRAWN

Cameron McGowan Currie
Cameron McGowan Currie
United States District Judge

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**MOTION FOR PROVISIONAL CLASS CERTIFICATION
AND FOR INJUNCTIVE AND DECLARATORY RELIEF
UNDER RULE 23(b)(2)**

NOW COME the Plaintiffs and pursuant to the Federal Rules of Civil Procedure, Rule
23(b)(2), move this Court for provisional class certification and for injunctive and declaratory
relief.